

म्हाडा वसाहतीच्या लो कॉस्ट हाऊसिंग स्किम बाबत
भिवंडी-निजामपूर शहर महानगरपालिकेच्या विकास
नियंत्रण नियमावलीतील नियम ३३ (३) मध्ये बदल
करणेबाबत.

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम,
१९६६ चे कलम ३७ (२) अन्वये मंजूर फेरबदल

महाराष्ट्र शासन

नगर विकास विभाग


शासन निर्णय क्रमांक-टीपीएस-१२०८/अ.नौ.१५०/प्र.क्र.४४५/०८/नवि-१२

मंत्रालय, मुंबई- ४०० ०३२.

दिनांक :- ८ एप्रिल २०१०.

शासन निर्णय :- सोबतची आधिसूचना राज्य शासनाच्या साधारण राजपत्रात
प्रासिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(अशांक या. पाटील)
कार्यासन अधिकारी.

प्रांत.

- १) सचिव, गृहनिर्माण विभाग, मंत्रालय, मुंबई
- २) आयुक्त, भिवंडी-निजामपूर शहर महानगरपालिका, भिवंडी, जि. ठाणे.
- ३) मुख्य कार्यकारी अधिकारी, म्हाडा, गृहनिर्माण भवन, वांद्रे (पूर्व) मुंबई-५२.
- ४) संचालक नगर रचना महाराष्ट्र राज्य-पुणे.
- ५) उपसंचालक, नगर रचना, कोकण विभाग, कोकण भवन, नांदे-मुंबई.
- ६) उप संचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई
- ७) सहाय्यक संचालक नगर रचना, ठाणे शाखा, जि. ठाणे
- ८) व्यवस्थापक मध्यवर्ती शासकीय मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची आधिसूचना महाराष्ट्र शासनाच्या साधारण राजपत्रात भाग-एक मध्ये प्रासिध्द करून त्याच्या प्रत्येकी ५ प्रती या विभागास तसेच संचालक नगर रचना, पुणे, उप संचालक नगर रचना, कोकण विभाग, नांदे-मुंबई व सहाय्यक संचालक नगर रचना, ठाणे शाखा यांना पाठवाव्यात)

- ९) कक्ष-अधिकारी (संगणक कक्ष) (नांदे-२९), नगर विकास विभाग, मंत्रालय, मुंबई- ४०० ०३२.

(त्यांना विनंती करण्यात येते की, सोबतची आधिसूचना विभागाच्या वेबसाईटवर प्रासिध्द करण्यात यावी)

१०) निवडनस्ती (कार्यासन-१२)

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 092.
Dated 3rd April, 2010.

NOTIFICATION

No. TPS 1208/UOR 150/CR-445/2008/UD-12:

Whereas the Development Control Regulations for Bhiwandi-Nizampur (hereinafter referred to as "the said Regulations") have been sanctioned by Government in Urban Development Department, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") vide Notification No. TPS 1299/331/CR-45/99/UD-12 dated 30/3/2001 to come into force with effect from 1/5/2001.

And whereas, Regulation 33(3) of the said Regulations deals with Low Cost Housing Schemes of the Maharashtra Housing & Area Development Authority (MHADA).

And whereas, Govt. in Housing Department has declared the "Housing Policy" (hereinafter referred to as "the said policy").

And whereas, the said policy proposed to allow redevelopment of MHADA colonies by providing higher FSI and to revise the size of old tenements. This will enable the present occupants to have better accommodation as well as create additional housing stock.

And whereas, Govt. felt it necessary to prepare a new set of regulation No. 33(3) by replacing the existing regulation (hereinafter referred to as "the said proposed modification").

And whereas, in view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice of even no. dated 15/1/2009 (hereinafter referred to as "the said Notice") regarding the said proposed modification, for inviting suggestions/objections from any person with respect to the said modification.

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 12/2/2009 and in the news paper namely The Asian Age (English) dated 4/3/2009.

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning, Konkan Bhavan, Navi Mumbai as an officer under section 162 of the said act (hereinafter referred to as "the said officer") to scrutinize any suggestions/objections received and to grant hearing to the persons submitting suggestions/objections including say of the Municipal Corporation of Bhiwandi Nizampur (hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification.

And whereas, accordingly the said officer has submitted his report vide letter dated 15/6/09 to the Government (hereinafter referred to as "the said Report"). He has recommended to sanction the said modification with some changes considering the suggestions/objections received from the general public.


And whereas, after consulting Director of Town Planning, Maharashtra State, Pune, Government is of the opinion that the said modification should be sanctioned with some changes.

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby sanction the said modification with certain changes as mentioned below:-

MODIFICATION

Regulation 33(3) of the said regulation is deleted and replaced as per the Schedule attached herewith.

By order and in the name of the Governor of Maharashtra,


(Ashok B. Patil)
Section Officer.

SCHEDULE


Accompaniment to Government in Urban Development Department's Notification No. TPS 1208/UOR 150/CR-445/2008/UD-12 dated 8th April, 2010.

33(3) Development/redevelopment of Housing Schemes of Maharashtra Housing & Area Development Authority:

- 1) The FSI for a new scheme on vacant lands of Low Cost Housing Sub-schemes for Economically Weaker Section, Low Income Groups & Middle Income Group of the MHADA having at least 60% built up area in the form of tenements under EWS, LIG & MIG categories shall be 2.50.
- 2) For redevelopment of existing housing schemes of MHADA, undertaken by the MHADA departmentally or jointly with societies/occupiers of buildings or by housing societies/occupiers of building or by lessees of MHADA or by the developer, the FSI shall be as under -
 - a) Total permissible FSI shall be 2.5 on gross plot area.
 - b) The incentive FSI admissible against the FSI required for rehab shall be as under -
 - (i) In congested area, for the area upto 4000 sq.mt. the incentive FSI admissible will be 50%.
 - (ii) In congested area, for the area above 4000 sq.mt. the incentive FSI admissible will be 60%.
 - (iii) Outside congested area, for the area upto 4000 sq.mt. the incentive FSI admissible will be 60%.
 - (iv) Outside congested area, for the area above 4000 sq.mt. the incentive FSI will be 75%.
 - c) Difference between 2.5 FSI and the FSI required for "rehab + incentive" shall be shared between MHADA & Society/Developer in the ratio of 2:1.
 - d) In the scheme, for the land allotted for societies of MIG & HIG and developed plot allotted individually to MIG & HIG group, the permissible FSI shall be as per Development Control Regulation No.32.
- 3) In case of grant of NOC with additional permissible Builtup area over and above the permissible FSI by Konkan Board / MHADA for the purpose of undertaking Redevelopment/ Utilization, MHADA shall charge premium at the rate decided by Govt. in Housing Department from time to time.
- 4) For the purpose of calculating the FSI, the entire area of the layout including development plan roads and internal roads but excluding the land under the reservation of public amenities shall be considered. Sub-division of plots will be permissible on the basis of

compulsory open spaces as in these Regulations. For low cost housing schemes of MHADA for EWS, LIG categories, the Regulations in Appendix-I (excluding regulation No.1(b)) shall apply.

- 5) For the purpose of this Regulation the carpet areas for EWS, LIG or MIG tenements shall be as determined by the Government from time to time.
- 6) For the off site infrastructure, MHADA shall pay to the BMC 12.5% of the charges collected by MHADA for the grant of additional FSI (FSI over and above the normally permissible FSI) for the Redevelopment Schemes.
- 7) Notwithstanding anything contained in these regulations, the relaxations incorporated in Regulations No. 33(3) of these regulations shall apply for Housing schemes under this regulation for tenements under EWS/LIG and MIG categories. However, the front open space in any case shall not be less than 3.6 mt.
- 8) In any Redevelopment scheme where the Co-operative Housing Society/Developer appointed by the Co-operative Housing society has obtained No Objection Certificate from the MHADA/Konkan Board thereby sanctioning additional balance FSI with a consent of 70% of its members and where such NOC holder has made provision for alternative accommodation in the proposed building (including transit accommodation) then it shall be obligatory for all the occupiers/members to participate in the Redevelopment Scheme and vacate the existing tenement for the purpose of redevelopment. In case of failure to vacate the existing tenements, the provisions of section 95A of the MHADA Act mutatis mutandis shall apply for the purpose of getting the tenements vacated from the non co-operative members.
- 9) A corpus fund, as may be decided by MHADA, shall be created by the Developer which will remain with the societies for its maintenance.


(Ashok H. Patil)
Section Officer